

MT LEGISLATIVE HISTORY

Chapter 172 19 62

Bill (H) 213 S _____

Original bill & hist. C

H. Committee on Business & Industry

S. Committee on Commerce & Labor

Hearing Date(s) FE/36 ☒ C

Hearing Date(s) FE/35 ☒ C

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Date Out _____ C

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Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

COMMITTEE ON COMMERCE AND LABOR

BILL NO.	ENTERED COMM.	OUT OF COMM.	DO PASS	DO NOT PASS	DO PASS AS AMENDED	BE CON- CURRED IN	BE NOT CON- CURRED IN
S.B. 74	2-8-67	2-8-67		X			
H.B. 73	2-13-67	2-13-67				X	
H.B. 71	2-13-67	2-13-67				X	
S.R. 9	2-13-67	2-13-67				BE ADOPTED	
H.B. 180	2-15-67	2-15-67				X	
H.B. 387	2-15-67	2-15-67				X	
H.B. 426	2-15-67	2-15-67				X	
H.B. 213	2-15-67	2-15-67				AMENDED X	
H.B. 335	2-13-67	2-20-67				AMENDED X	
H.B. 336	2-17-67	2-20-67				X	
H.B. 427	2-20-67	2-20-67				X	
H.B. 43	2-17-67	2-22-67				AMENDED X	

MINUTES OF MEETING OF THE
COMMERCE AND LABOR COMMITTEE
STATE SENATE

February 15, 1967

The meeting was called to order by Chairman Siderius, Wednesday, February 15, 1967 at 8:30 a.m., in Room 408 of the State Capitol Building.

ROLL CALL: All members present except Senator Lehrkind.

CONSIDERATION OF HOUSE BILL 213: This bill would permit freedom of choice of duly licensed physicians, osteopaths, chiropractors, optometrists or chiropodist under disability insurance and workmen's compensation policies. Representative Loman, Dist.28, Lake County, author of the bill, appeared. Al Dougherty, Attorney at Law, Helena, Montana, appeared, representing the Montana Chiropractors Association. He left several letters that were received by citizens from various insurance companys saying that they will not pay for treatment other than by a physician. These letters are filed with these minutes. Also filed is an Enrolled Copy of House Bill No. 2712 from the State of Michigan, which states that any insurance policy issued in the State of Michigan must reimburse a person licensed in the state for the practice of chiropractic or podiatry. Other proponents appearing: Rod Gudgel - Montana State Pharmacists Association. Paul Reynolds - Optometrists. Dr. L. C. Weis - Montana Chiropractic Association. Dr. Henry H. Jenderson, Dr. Fred E. Comstock, Dr. B. E. Trosper, Dr. S. C. Saetre, Gary Dols, DC - Dr. C. E. Albert, Dr. K. H. West, Dr. W. J. Kay, Dr. Allan W. Towns, P. C. Pisk DC - Dr. William M. Elbert. SENATOR HILLING MOVED to AMEND H. B. 213, SENATOR BERTSCHE SECONDED. CARRIED. SENATOR HILLING MOVED TO CONCUR. SENATOR KAFKA SECONDED. CARRIED.

CONSIDERATION OF HOUSE BILL 387: Representative Loman, author of the bill appeared. George Winstrom, Safety Director of the IAB appeared as a proponent. SENATOR KAFKA MOVED to CONCUR. SENATOR BERTSCHE SECONDED. CARRIED.

CONSIDERATION OF HOUSE BILL 180: Reciprocity - Workmens Comp. Act. Robert Swanberg, Chairman of the IAB, and Lee Benton, of the IAB, appeared as proponents of the bill. SENATOR RASMUSSEN MOVED to CONCUR, SENATOR TRACY SECONDED. CARRIED. (Lee Benton left copies of reciprocity agreements between Washington & Idaho, and Washington & Oregon.

CONSIDERATION OF HOUSE BILL 426: This bill would require the State Controller to schedule building programs to stabilize work opportunities for labor force. James Umber, Executive Secretary of the AFL-CIO, Reed Mathews, representing the Operating Engineers, and Richard McCreanor, representing the Laborer Union were all proponents appearing. SENATOR HAFFERMAN MOVED to CONCUR. SENATOR BERTSCHE SECONDED. CARRIED.

SENATOR HAFFERMAN MOVED TO ADJOURN. SENATOR TRACY SECONDED.

ADJOURNMENT.

SENATOR GEORGE SIDERIUS, CHAIRMAN

FRED E. COMSTOCK, D. C.

114 WEST PARK

ANACONDA, MONTANA

TELEPHONE 563-2461

Fred E. Comstock Jr

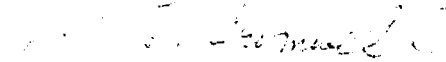
Livingston, Mont.

Feb 12/67

Senator George Diderius
Capitol Buldg, Helena, Mont.

I would deeply appreciate your support of HB 213.

Sincerely



Dr. J.I. Cromwell Chiropractor
Box 420
Livingston, Mont.



DR. PETER C. PISK

CHIROPRACTIC PHYSICIAN
KALISPELL, MONTANA 59901

February 11, 1967

Committee on Commerce and Labor
State Capitol Building
Helena, Montana

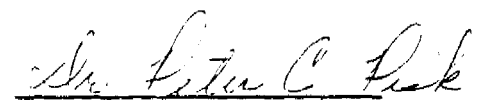
Senator George Siderius
Chairman

Dear Sir,

Your Committee on Commerce and Labor will be holding a hearing on our House Bill 213 soon, which passed the House by a large majority. I urge you and your committee to give this bill your full support in that the people of Montana may have a freedom of choice as to the doctor he may choose on insurance.

In the past many insurance companies have not paid Chiropractic claims. Optometrists and Chiropractors in Montana join together in asking your support of this bill.

Sincerely yours,


Dr. Peter C. Pisk, D.C.

PCP/ej

Phone 543-3735

Office Hours:
Mon., Wed., Fri., 9-12 A.M. - 2-7 P.M.
Tues., 9-12 A.M. - 2-5 P.M.
Thurs. and Sat., 9-12 A.M.

Dr. W. J. KAYE

CHIROPRACTIC PHYSICIAN

Masonic Temple Building

MISSOULA, MONTANA

Dr. W. J. Kaye
3000 South Avenue West
Missoula, Montana 59801

February 11, 1967

Gen. George Hilarious
Chairman Committee on Commerce & Labor
Capital Building
Helena, Montana 59601

Dear Senator:

Please give your support to H.R. 312. This gives the insurance carrier his freedom of choice in selecting his doctor.

Thank you.

Sincerely yours,

W. J. Kaye D.C.
W. J. Kaye, D.C.

DR. L. R. GETCHELL
CHIROPRACTIC PHYSICIAN
STRAND THEATRE BLDG.
LIVINGSTON, MONTANA

Feb.12,1967

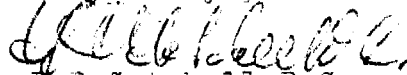
Senator George A.Siderious,Chairman
Commerce & Labor Committee
Capitol Bldg
Helena Montana

Dear Senator Siderious:

House Bill No.213 will be before your committee the morning of Feb.15th. This is a fair and reasonable bill that should inconvenience no one except possibly for the necessity of riders for some insurance policies.

Our profession and I am sure a vast majority of your constituents will sincerely appreciate your consideration and support of H.B.213.

Very truly yours


L.R.Getchell,D.C.



Dr. Leland Jensen
CHIROPRACTIC PHYSICIAN
328 STEPHENS AVENUE
MISSOULA, MONTANA

February 13, 1967

Senator George Siderius
State Capitol Building
Helena, Montana

Dear Senator:

May I request that you favorably consider and vote for House Bill, No. 213. This bill will be before the Committee of Commerce and Labor on Wednesday morning, February 15.

This bill inculcates the American principle of freedom of choice. All that this bill does is to give the insured the full freedom of choice in selecting the licensed doctor he desires; something that he should have had in the first place.

There is nothing in this bill that could be construed to favor any healing art or to enlarge any practice. It doesn't affect the laws pertaining to hospitals nor does it affect the Montana Physicians Society or the Montana Hospital Society contracts in any way. They are not subject to the insurance laws.

Every person should be interested in the passage of this bill. There are some insurance policies that are so worded as to give the holder the belief that he is fully covered, only to find out when he becomes a patient that he is refused payment because he does not have the full freedom to choose the licensed doctor of his choice.

This is a good bill and merits your support. May I strongly urge you to cast your vote eye on a "do pass motion" Wednesday morning.

Thank you very kindly. I remain,

Respectively yours,

Dr. Leland Jensen

TO:

Pinnell-Schumacher, Inc.
Sikeston, Missouri

Carney INSURANCE

P. O. Box 318
GLEN DIVE, MONTANA

SUBJECT

Glendive Public Schools - 2226751
Donald Crum, claim # 15470, check # 6-3358

DATE

1/7/67

MESSAGE

We are in receipt of check # 6-3358 in the amount of \$13.50 in payment of the charges by Dr. Dassinger in regard to the above numbered claim.

Inasmuch as the charges by Dr. Dassinger were \$20.00 for X-rays and \$24.00 for adjustments, total \$44.00, we wish an explanation as to the deductions taken.

Thank you.

REPLY

DATE OF REPLY

1/23/66

REPLY TO

Carney Insurance

Chiropractors are not covered by "National American Student Accident Insurance" in your state. \$7.00 charge made by Dr. Thompson was not assigned - insured has other insurance, so claim was pre-rated. The check for \$13.50 should have been made to parents -

SIGNED

Edna B. Woodward



RESERVE LIFE INSURANCE COMPANY

An Old Line. ^{SPH} Legal Reserve Stock Company

DALLAS, TEXAS

July 15, 1959

J. S. Benson, D. C.
Chiropractic Clinic
Suite, 24, Masonic Temple Bldg.
Missoula, Montana

Re: Policy R 708085
Jo A. Walker *7.15.59*

Dear Dr. Benson:

This will acknowledge your recent letter regarding Chiropractic treatment in relation to the benefits provided by our policies.

The policies issued by the Company cover only treatment by a licensed Doctor of Medicine or Osteopathy. This limitation in coverage is not intended as a discrimination against anyother practitioner of the healing arts.

We trust this answers your question and appreciate your writing.

Sincerely,

D. L. Curtis

D. L. CURTIS
Hospital Benefit Department

DLC/ah



RESERVE LIFE INSURANCE COMPANY

An Old Line Legal Reserve Stock Company

DALLAS, TEXAS

June 17, 1959

Edward I. Walker
1019 Beck Ave.
Missoula, Mont.

Re: Policy R 708085
Jo A. Walker

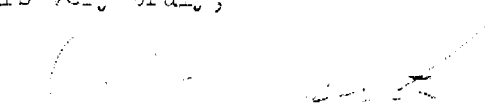
Dear Mr. Walker:

We wish we could pay the expenses due to this recent disability, but your policy does not cover this type treatment.

Your policy reads that treatment must be by a Doctor of Medicine (M.D.) or Doctor of Osteopathy (D.O.) The information sent to us shows treatment was by other than a Doctor of Medicine or Osteopathy. This is one of the few restrictions in your policy.

Let us know when we can help in the future and we appreciate the confidence you show by insuring with us.

Yours very truly,

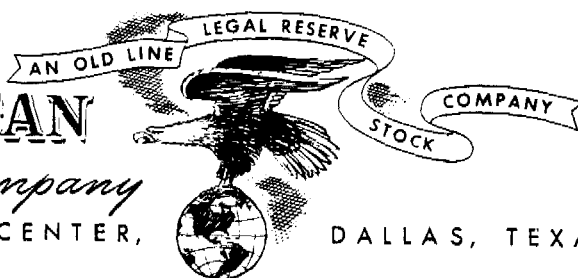

Hospital Benefit Department

DLC/at

OFFICERS

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H. COLEMAN, JR., Executive
Vice-Pres. and Treasurer
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JAMES M. KENT, M.D.,
Medical Director
K. HOLT, Asst. Secretary
ROBERT F. MILLS, Asst. Treasurer

UNITED AMERICAN
Insurance Company
THE INSURANCE CENTER,



DALLAS, TEXAS

February 27, 1963

Mrs. Ella J. Gibbs
402 N. Third Street
Hamilton, Montana

Re: Policy No. 2347,844
Claim No. 98398
Claimant : Jay Gibbs.

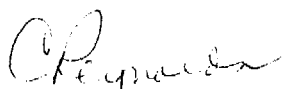
Dear Mrs. Gibbs:

We are writing to you in connection with the claim forms which we recently received, and we wish to thank you for having them submitted.

We try to be of every possible service to our policyholders, but in some cases the terms and requirements of the policy will not allow us to approve payment of benefits. We have found that circumstances will not allow us to approve benefits in this particular instance. Your policy specifies that treatment must be given at the direction of and under the supervision of a licensed physician or surgeon (Doctor of Medicine or Doctor of Osteopathy). Information we received indicated that the treatment was not administered by an M.D. or D.O. and the services performed would not be covered by the policy.

Although we could not be of service at this time, we sincerely hope that we have the opportunity to be of service in the future.

Sincerely,


C. Reynolds
Claim-Department

CR/dm

35TH ANNIVERSARY YEAR

OV. 1961 • NOV. 1962



N. M. LONGWORTH PRESIDENT

OMAHA, NEBRASKA

January 16, 1962

Mrs. Violet Strate
604 North 4th St.
Hamilton, Mont.

Group Claim HO-69094-U
Group Policy GLS-1734
Certificate 5

Dear Mrs. Strate:

Thank you very much for your letter and the doctor bills which you have forwarded to us regarding your accident on November 20, 1961.

Group Policy GLS-1734 does provide benefits for injuries provided that the medical treatment is given by a "legally qualified doctor of medicine". We noticed that you were treated by Dr. J. S. Benson, D.C. A "D.C." does not meet the qualifications of a "legally qualified doctor of medicine" and, consequently, we are unable to allow any benefits in connection with this claim.

We are very sorry, Mrs. Strate, that we are unable to be of financial assistance to you. Any future claims, however, coming within the provisions of your certificate, will receive every possible consideration.

Sincerely,

R. A. Jones
Claim Audit
Group Div.

RAJ:BP

WHEN WRITING ABOUT YOUR POLICY,
PLEASE GIVE NUMBER.

United Benefit Life Insurance Company • One of America's Leaders

WORLD MUTUAL



HEALTH and ACCIDENT INS. CO. of PENNA.

EXECUTIVE OFFICES • KING OF PRUSSIA, PA. 19406 • AREA CODE 215—265-2200

June 10, 1966

State of Montana
Board of Chiropractic Examiners
514 Main St.
Miles City, Mont.

ATTN: Lloyd A. Bowman, D. C.

RE: Christine Vetter
Policy # 1055079

Dear Dr. Bowman:

This will acknowledge receipt of your letter which has been referred to this department for reply.

Our definition of a legally qualified physician is in accordance with Dorlan's Illustrated Medical Dictionary, which states as follows: - Physician-- "an authorized practitioner of Medicine".

Inasmuch as a Chiropractor does not fall within the above noted definition, we had no alternative but to take the action which we did in the determination of the loss presented by the above.

You will note that we state that our interpretation of a legally qualified physician was an "authorized practitioner of medicine".

This is not a case where we feel that the exclusion as to Chiropractors as contained in the policy, but rather a situation where Chiropractors, by definition, are not practitioners of medicine.

We are not attempting to detract from the skill and success of members of the profession you represent, rather, we are relying on a neutral definition which clearly eliminates Chiropractors from being classified licensed practitioners of medicine.

Since a Chiropractor is not an M. D. or a D. O., we do not intend, nor are our policies constructed to extend coverage to this worthy but limited class of practitioners.

Trusting this explains our position in this matter, I remain

Yours very truly,


GEORGE J. LOSCHIAVO
Claim Supervisor

GJL/mcd

CC: Commissioner of Ins. - State of Montana

WORLD MUTUAL



HEALTH and ACCIDENT INS. CO. of PENNA.

EXECUTIVE OFFICES • KING OF PRUSSIA, PA. 19406 • AREA CODE 215—265-2200

May 16, 1966

Mr. Valentine B. Vetter
303 N. Earling
Miles City, Montana

Re: Policy No. 1055079
Claimant - Christine

Dear Mr. Vetter:

We are in receipt of your recent claim for services performed by Dr. Lloyd A. Bowman.

We regret that we cannot be of service to you, inasmuch as your policy provides benefits for treatments required and received by a legally qualified physician. Therefore, as a Chiropractor is not a legally qualified physician, the claim is not payable under the terms of the policy.

Please refer to Page #2 of your policy, wherein it states that the policy only provides for the services of a "legally qualified physician".

Trusting that your recovery has been full and complete and that we may be of service to you at some later date, we remain

Very truly yours,

GEORGE J. LOSCHIAVO
Claim Supervisor

GJL:at

Colorado Education Association

DIVISION OF INSURANCE SERVICES

VALLEY HIGHWAY 1 • BELLEVUE AVE • 5200 SOUTH WABASH ST • ENGLEWOOD, COLORADO 80151 • PHONE 771-4240

January 31, 1967

Charles J. Vidmar
320 Bannack Court North
Missoula, Montana 59801

Dear Mr. Vidmar:

We are returning your bill in the amount of \$35.00 for services rendered by Drs. Jensen and Jensen.

Under the rules governing the CEA Hospitalization Plan, "Benefits shall be payable only when a member is under the care of a physician or surgeon duly licensed by proper state authority to practice medicine". Inasmuch as Drs. Jensen are chiropractors and are not licensed by state authority to practice medicine, we are not permitted to make payment of a benefit on their charges.

We regret we are unable to allow a benefit on your claim.

Sincerely yours,



Ted Eller
Administrative Assistant
Division of Insurance Services

TE/ec
encl.



Dr. Opal M. Jensen

CHIROPRACTIC PHYSICIAN

1830 SOUTH AVENUE

MISSOULA, MONTANA

February 4, 1967

Honorable Ray M. Loman
State Capitol Building
Helena, Montana

Dear Mr. Loman:

RE: House Bill 213

Please find enclosed a copy of a letter that I just received this morning from Mrs. Vidmar accompanied by her own personal check in the amount of \$25.00.

This patient was under the impression - by the language of her insurance policy - that her bill for service would be covered. This is a sample of how some insurance companies get out of making payment but still collect their premiums which makes House Bill 213 necessary.

There are five to seven hundred insurance companies that pay chiropractic claims and in most instance, their premiums are not any higher and sometimes lower than those insurance companies that get out of making payments through some technicality.

Would you please vote for House Bill 213 that comes up in the House Committee on Business and Industry this afternoon (Monday).

With very kind regards.

Sincerely yours,

Dr. Opal M. Jensen

Montana License No. 174

Guarantee Trust Life Insurance Co.

Your Guarantee



of Protection

2537 WEST MONTROSE AVENUE
CHICAGO 18, ILLINOIS

May 19, 1966

Mrs. Ramon E. Hyem
Route 2
Red Lodge, Montana

Re: Joe Hyem

Claim No. 415017

Policy No. 254-026-004 E

Dear Mrs. Hyem:

We are in receipt of the above captioned claim, and note that same involved the treatment of a Chiropractor.

The School Accident Policy provides benefits for expense incurred for treatment of an injury by a Doctor of Medicine or Osteopathy. Services rendered by any other type of practitioner, such as a Chiropractor, are not within the meaning of the policy. Therefore, we are unable to reimburse you for the bill submitted.

We sincerely regret our inability to be of service in this matter, but trust that the Company's position will meet with your understanding.

With best wishes, we remain

Very truly yours,

E. Rheingruber

E. Rheingruber

Student Accident Claim Division

SA-101

CC: Principal, Red Lodge Public School District No. 1



RESERVE LIFE INSURANCE COMPANY

An Old Line, Legal Reserve Stock Company

DALLAS, TEXAS

February 15, 1955

Mrs. Anna McDonald
Box 36
Frenchtown, Montana

Re: Policy No. H-94-734 & J-28-08-35
Clai No. RD-29854 & T-9213

Dear Mrs. McDonald:

We are in receipt of information regarding your claim.

The policy provides that the benefits listed therein are payable while the Insured is under the professional care and regular attendance of a legally licensed physician or surgeon.

Our file indicates that you were treated by a chiropractor. Although we understand chiropractors to be licensed, we do not understand them to be physicians or surgeons. Therefore, we shall be unable to approve this particular claim. If we are incorrect as to your particular state, please advise in order that the claim might receive additional consideration.

Very truly yours,


C. E. COLLINS:ld
Claim Department

over 5/1/55

Guarantee Trust Life Insurance Co.

Your Guarantee  *of Protection*

2537 WEST MONTROSE AVENUE
CHICAGO 18, ILLINOIS

June 7, 1962

Mr. Clarence Parker
617 North Fifth St.
Hamilton, Montana

Re: Deloris Parker
Claim No. 410176
Policy No. 25-410-1501 A

Dear Mr. Parker:

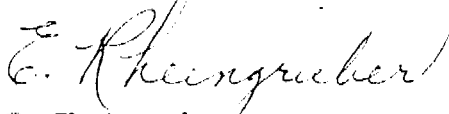
We are in receipt of the above captioned claim, and note that same involved the treatment of a Chiropractor.

The School Accident Policy provides benefits for expense incurred for treatment of an injury by a Doctor of Medicine or Osteopathy. Services rendered by any other type of practitioner, such as a Chiropractor, are not within the meaning of the policy. Therefore, we are unable to reimburse you for the bill submitted.

We sincerely regret our inability to be of service in this matter, but trust that the Company's position will meet with your understanding.

With best wishes, we remain

Very truly yours,



E. Rheingruber,
Student Accident Claim Division

SA-101

cc: Principal, Jefferson School

COMMITTEE

40th Legislative Assembly

Bill No.	Subject Matter	Date In	Hearing Date	Comments	Date Out	Committee Action	Final Action
HB172; Ulmer, McNamara, et al	Making commercial livestock carriers on public highways subject to Montana motor carrier act.	1/24	1/30		1/30	Do Not Pass	Killed
HB181, Spahr	To clarify revivor of suspended corporation	1/17	1/20		1/20	Do Pass	Signed by Governor
HB183, Landgren, Spilde	Regulate establishments prov- iding transient lodging space & or accommodations	1/18	1/20		1/20	Do Pass	Signed by Governor
HB190; Jensen Hall	Require financing statements to contain an itemized list of collateral	1/18	1/21 1/23		1/23	Do Not Pass	Killed
HB205; Fischer, Warynen, et al	Assessment, bank stock, moneyed capital, money and credits	1/20	2/6		2/6	Do Pass	Signed by Governor
HB213; Loman, McCulloch, et al	Permitting freedom of choice of duly licensed physicians, etc. under disability insurance and workmens comp. policies.	1/20	2/6		2/6	Do Pass	
HB233; Willis Pasbender, et	Licensing of blood banks		Sent to	Public Health			Killed

February 6, 1967
MINUTES OF THE

BUSINESS AND INDUSTRY COMMITTEE

Meeting was called to order at 5:00 p.m. by Chairman Pierce.

Al Dougherty, representing the Montana Chiropractic Association, spoke on HB213.
(See attachments)

Other proponents of the bill, (Representative Loman, chief sponsor) were:
Glen Drake, Helena Attorney, who reported that the Association of Optometrists were
in favor of HB213.

Dr. Allan W. Downs

Dr. M. J. Klette, Havre

D. C. Hisk

Dr. Fred E. Comstock

Dr. B. E. Trooper

Gary Dols

Dr. L. E. Albert, Great Falls

Dr. H. J. Kaye

H. E. Hultgren

Dr. L. R. Getchell

Dr. K. H. West, Chiropractor, Butte

Dr. S. J. Score, Chiropractor, Helena

Opponents of HB213 were:

Walt Nilan, representing the Farmers Insurance Group

Chadwick Smith, representing the Mutual Alliance Insurance Group

Tom Roselle, representing the Christian Scientists, who proposed an amendment

(See attachment)

Question and answer period followed--witnesses were excused.

Representative Northey, chief sponsor, explained HB377. He said it was a bill
to upgrade and update architectural provisions.

Opponents appearing on behalf of the bill were:

Cal Hoiland, State Board of Architectural Examiners

Al Dougherty, representing the Montana Association of Architects

John H. Morrison, representing the Professional Engineers

Oscar Ballas, from the Board of Architectural Examiners

Question and answer period followed--witnesses were excused.

Representative Fischer, chief sponsor of HB205, introduced Mr. Jerome Anderson,
representing the Daly National Bank of Butte who testified in favor of HB205.

Also appearing as proponents of HB205 were:

E. K. Kunkel, Daly National Bank

John L. Peterson, First National Bank of Butte

Question and answer period followed--witnesses were excused.

Representative Gilligan, chief sponsor of HB464, explained the purpose of the bi
Opponents of HB464 who appeared were:

Jack Marlow, Secretary of the Montana Contractors Association

George A. Pirrie, Jr., representing the Montana Building Chapter of the Associated
General Contractors. Question and answer period followed--witnesses were excuse

Representative Darrow, chief sponsor, explained the purpose of HB516.

Proponent who spoke for the bill were:

Eldon A. Davenport, Shell Oil Company

James Walsh, Montana Division Manager for Rocky Mountain Oil and Gas Association

Opponents of HB516 were:

David Murphy, Musselshell County Commissioners

Frank Kishka, representing the County Commissioners of Oil Producing Counties

Edwin H. Robson, Musselshell County Commissioners

Geno Minnie, Musselshell County Commissioners

Harry Van Der Voort, Representative from Golden Valley and Musselshell Counties

Dr. Minette, called the "Father of the Oil and Gas Commission".

Question and answer period followed on HB516--witnesses were excused.

Representative Loman, chief sponsor of HB387, introduced George Westrum who explained the bill. Question and answer period followed. Witness was excused.

HB387. Stratton moved HB387 Do Pass, Nugent seconded, motion carried.

HB213. Delano moved HB213 Do Not Pass, Casey seconded, discussion followed. Gerke made substitute motion that HB213 Do Pass; Wolf seconded, motion carried.

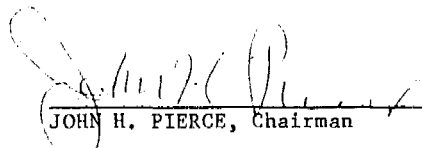
HB377. Gerke recommended change in fee from \$25 to \$20 per day; motion carried. Gilligan moved HB377 Do Pass As Amended; Delano seconded; motion carried.

HB205. Stratton moved HB205 Do Pass, Worden seconded, motion carried.

HB464. Gerke moved HB464 Do Pass, Worden seconded; motion carried.

HB516. East moved HB516 Do Not Pass, Wolf seconded, discussion followed. Fischer made substitute motion HB516 Do Pass; motion failed. It was voted on the original motion which carried.

Meeting was adjourned.



JOHN H. PIERCE, Chairman

Virginia Sawyer, Secretary

Revised

HOUSE BILL NO. 213

Mr. _____ I move to amend the title by omitting the word "OR" in line 5, page 1 of the original bill following the word "CHIROPODIST" inserting in place thereof a comma, then the words "PHYSICAL THERAPIST" followed by the words "OR ACCREDITED PRACTITIONER OF A GENERALLY RECOGNIZED CHURCH OR RELIGIOUS DENOMINATION WHOSE TENETS AND PRACTICES INCLUDE RELIANCE UPON TREATMENT BY SPIRITUAL MEANS ALONE"

And further amend in Section 1, page 1, line 6 of the original bill, omitting the word "OR" following the word "CHIROPODIST" inserting in place thereof a comma, then the words "PHYSICAL THERAPIST" followed by the words "OR ACCREDITED PRACTITIONER OF A GENERALLY RECOGNIZED CHURCH OR RELIGIOUS DENOMINATION WHOSE TENETS AND PRACTICES INCLUDE RELIANCE UPON TREATMENT BY SPIRITUAL MEANS ALONE"

reasonable or unjust, and that in refusing compliance therewith the air carrier is thereby failing or omitting the performance of any duty, debt, or obligation, the court shall decree a mandatory and perpetual injunction compelling obedience to and compliance with the rule, regulation, order, rate or classification by the defendant, and its officers, agents, servants, and employees, and may grant such other relief as may be deemed just and proper. Any violation of such decree shall render the defendant and officer, agent, servant or servants, or employee of the defendant, who is in any manner instrumental in such violation, guilty of contempt, and shall be punishable by a fine not exceeding one thousand dollars (\$1000) for each offense, or by imprisonment of the person guilty of contempt until he shall sufficiently purge himself therefrom, and such decree shall continue and remain in effect and be in force until the rule, regulation, order, rate, or classification shall be modified or vacated by the commission. An appeal shall lie to the supreme court from the decree in such action, and the cause shall have precedence over all other civil actions of a different nature pending in the supreme court.

Injunction
--relief.Violation of
court order
--penalty.

Appeals.

Action by
air carrier.

Costs.

(16) Any air carrier may bring an action in the district court of the county where the principal office or place of business is situated, or in any county where any such classification, rate, toll, charge, regulation, or order of the commission is applicable, against the said commission as defendant, to determine whether or not any such classification, rate, toll, charge, regulation, or order made, fixed, or established by the commission under the provisions of this act is just and reasonable; provided, that until the final decision in any such action the classification, rate, toll, charge, regulation, or order of the commission affecting rates or charges shall be deemed to be final and conclusive; and provided further, that in any action, hearing, or proceeding in any court, the classification, rate, tolls, charges, regulations, and orders made, fixed, and established by said commission shall prima facie be deemed to be just, reasonable, and proper. All costs and expenses incurred in the hearing, trial, or appeal of any action brought under this section shall be fixed and assessed as to the court may seem just and equitable.

(17) Appeals may be taken to the supreme court from the judgment of any district court in any action brought under the provisions of this act; such appeals shall have precedence over all other business, except criminal business and original proceedings in such court, and shall be heard and determined as are appeals in civil actions.

Appeals.

(18) Those aircraft operators who carry passengers for hire that are commonly known as taxi or charter operators who operate on an occasional or contract basis and do not operate as common carriers between terminal points, including intermediate points, if any, are excluded from the provisions of this act.

Excluded
Operations.

Section 3. Notice as required by section 2 of this act shall be given by publication once a week for three (3) successive weeks in a newspaper of general circulation in the county in which the hearing is to be held.

Notice.

Approved: February 28, 1967.

CHAPTER 172

An Act Requiring Disability Insurance and Workmen's Compensation Policies to Provide the Insured Shall Have Full Freedom of Choice in the Selection of Any Duly Licensed Physician, Osteopath, Chiropractor, Optometrist or Chiropodist for Treatment of Illness or Injury; Providing a Like Freedom of Choice in the Selection of Pharmacists; Providing an Effective Date; and Containing a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. All policies of disability insurance, including individual, group and blanket policies, and all policies insuring the payment of compensation under the Workmen's Compensation Act shall provide the insured shall have full freedom of choice in the selection of any duly licensed physician, osteopath, chiropractor, optometrist or chiropodist for treatment of any illness or injury within the scope and limitations of his practice. Whenever such policies insure against the expense of drugs, the insured shall have full freedom of choice in the selection of any duly licensed and registered pharmacist.

Insurance
to guarantee
freedom of
choice of
treating party.

Limiting clause.

Section 2. Nothing in this act shall be construed as enlarging the scope and limitations of practice of any of the licensed professions enumerated in section 1; nor shall this act be construed as amending, altering, or repealing any statutes relating to the licensing or use of hospitals.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Approved: February 28, 1967.

CHAPTER 173

An Act to Amend Section 31-104, R.C.M. 1947, Relating to the Term, Salary, Supervisory Power and Resident Requirement of the Highway Patrol Supervisor; Substituting the Name "Chief" for Supervisor; Designating the Rank of Such Position as Colonel; and Authorizing Board to Establish Salary Within Legislative Appropriation.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 31-104, R.C.M. 1947, is amended to read as follows:

Chief—compensation.

"31-104. *Chief—appointment—tenure of office—salary—supervisory power—resident requirement.* The board shall select a highway patrol chief who shall have the rank of colonel and shall hold his office until his appointment has terminated for cause, as hereinafter set forth, and shall receive a salary fixed by the board with approval of the Board of Examiners within the limits of the legislative appropriation for such purpose, and necessary traveling expenses. The chief shall have direct control and supervision of all patrolmen, subject to the approval of the Montana highway patrol board. The person named as chief shall have been a continuous resident of Montana for at least five (5) years. The chief, with the approval of the board and within the limits of any appropriation made available for such purposes, shall:

Powers.

Resident.
Duties.

1. Designate the authority and responsibility in each such rank, grade and position;

2. Formulate standards, policies and qualifications in the selection of recruit patrolmen;

3. Prescribe the official uniform of the Montana highway patrol;

4. Station employees in such localities as he shall deem advisable for the enforcement of the traffic laws of this state;

5. Charge against each employee the value of property of the state, lost or destroyed through the carelessness or neglect of such employee;

6. Discharge, demote, or temporarily suspend after hearing as provided in section 31-105, any *patrolman* of the department;

7. Have purchased, or otherwise acquired, by the purchasing department of the state, motor equipment and all other equipment and commodities deemed by him essential to the efficient operation of the Montana highway patrol."

Approved: February 28, 1967.

CHAPTER 174

An Act to Amend Section 25-508, of the Revised Codes of Montana, 1947, Relating to Traveling Expenses of Officers Attending Conventions.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 25-508, R.C.M. 1947, be and is hereby amended to read as follows:

"25-508. **Traveling expenses of officers attending conventions.** (1) Hereafter no state, county, city or school district officer or employee of the state or of any county or city, or of any school district, shall receive payment from any public funds for traveling expenses or other expenses of any sort or kind for attendance upon any convention, meeting, or other gathering of public officers save and except for attendance upon such convention, meeting or other gatherings as said officer or employee

Traveling expenses
of officers
attending
conventions.